

October 3, 2001

MEMORANDUM

To: All Montgomery County Employees

From: Bruce Romer, Chief Administrative Officer

Subject: Important Announcement regarding Montgomery County Employees who are called to Active Military Duty

In light of recent events, County employees in the military reserve may be called to active duty. The County is very proud of its employees who serve our Country and wants to ensure that employees who are called to duty are given all rights provided under County, State and Federal laws. During these difficult times, it is important that affected employees know how their pay, leave and benefits will be affected. It is also important that both they and their departments know what actions to take with the County should they be called to active duty, as well as an employee's reinstatement rights after a period of active duty.

Therefore, I am taking this opportunity to reaffirm the County's policy with regard to employees who are called to active duty in the armed forces of the United States or the National Guard. The benefits provided by the County go beyond the requirements of Federal law and are somewhat different for employees who are *called* or *ordered* to active duty and those who voluntarily enter active military service.

Continuation of County pay for employees ordered to active duty

Under County law, a full-time or part-time employee who is called to active duty during a national emergency or under presidential authority is entitled to receive from the County a supplement to the pay and allowances received from the military. The amount of the supplement is the difference between the employee's County salary and the salary and allowances paid by the military for the period of active duty plus 10 calendar days after release from active duty. The amount of the County supplement is not reduced by military separation

allowances. The supplement is not available to an employee on active duty for training or to an elected official. Also, the employee will not receive the supplement while on paid leave of any type or when using compensatory time.

Fifteen days of paid administrative leave

Any full-time or part-time employee who is called to active duty during a national emergency or under presidential authority is entitled to use 15 workdays of paid administrative leave. This is in addition to any other administrative leave used for military training during the year. Such leave should be used when the employee is initially called to active duty, so as to act as a pay buffer until the County receives information from the employee about the employee's military pay and allowances, and determines the amount of the salary supplement, if appropriate.

Right to use annual leave and compensatory time

An employee who leaves for mandatory or voluntary military service is entitled to use any accrued annual leave, personal leave days or compensatory time.

Accrual of annual leave and sick leave

An employee who leaves for mandatory or voluntary military service will not accrue annual leave or sick leave during a period of military service, except for any period when the employee uses administrative leave, annual leave, personal leave days or compensatory time.

Reinstatement rights

Under Federal and State law, an employee is entitled to reinstatement after military service if:

- the employee gave written or verbal notice to the department prior to leaving for military service, unless the employee was not able to give prior notice because of military necessity;
- the employee's position was not a temporary job or a job expected to last for a brief period, but instead was expected to continue for a significant period of time;
- the employee applied promptly for reinstatement after completion of the military service;
- the employee gave documentation to the department of the length and character of the military service on return from military service of 30 days or more;
- the employee was not discharged under dishonorable conditions; and
- the total of the employee's periods of active duty did not exceed 5 years over the employee's entire County employment (periods of active duty for training or during which the employee was ordered to active duty during war, emergency or in support of a critical mission are not included in the calculation of the 5-year period).

The period of time that the employee has to apply for reinstatement depends on how long the employee served in the military. If the employee became ill or was injured during

military service, the reinstatement period may be extended to allow for treatment and recovery.

An employee is entitled to the following on reinstatement:

- the same job or the job that the employee would have had or attained if the employee had not left for military service (if the employee is or can become qualified for that job) or, if the period of service exceeds 90 days, another job of the same status and same rate of pay;
- accrued seniority, service increments and proficiency advancements, or noncompetitive promotions that the employee would have received if the employee had not left for military service;
- protection against dismissal or termination, except for cause;
- training or retraining to make the employee able or qualified to do the job if the job requirements have changed during the period of military service;
- employment in a position of lesser status and pay, but with full seniority, if the person cannot become qualified to perform the previous job;
- reasonable efforts to accommodate a temporary or permanent disability that occurred or was aggravated during the military service;
- credit toward vesting under the employee's retirement plan for the period of military service;
- credited service for retirement if the employee makes up any required employee contributions;
- reinstatement of unused sick and annual leave;
- the same increment date that the employee had before the employee's military leave; and
- immediate reinstatement of group insurance coverage.

Retirement Benefits

For members of the Employees' Retirement System (ERS).

Credited service, as well as the County contribution, will continue during periods of military service. Upon return, employees may make up any contributions missed during their period of military service in order to keep their entire benefit intact. Credited service will be extended for the period of the absence, contingent upon receipt of all employee contributions to the ERS.

For members of the Retirement Savings Plan (RSP).

Credited service and the County contribution will continue during periods of military service. Upon return, employees may make up any contributions missed during their period of military service.

County sponsored group insurance benefits
including medical, dental, vision, prescription, life insurance, long term disability.

Employees who are called to active duty may continue their coverage under the same benefit elections in effect prior to their military leave. While employees are responsible for their share of the benefit costs during their military leave, any missed amounts will be made up from future pay checks upon return.

Employees who voluntarily enter military service may continue to receive their group insurance coverage by paying their share of the benefit costs for 60 days. Afterwards, they may elect to continue coverage under COBRA for an additional 18 months by paying 102% of the total premium.

Upon return to work, payroll deductions applicable to the benefit elections in effect will commence automatically.

What to do if *you* are called to active duty

Please contact your department immediately and provide your department with copies of all information you have received related to your call to active duty, including your orders and information related to your military pay and allowances.

Upon return from active duty, please contact your department immediately.

What a *department* should do if an employee is called to active duty

Immediately prepare a Personnel Action Form (PAF) and send it to the Office of Human Resources (OHR), Records Management Team notifying them of the employee's call to active service. This is an informational PAF that will be used to put the employee in a special employment status of "M," indicating military leave. The employee's orders and information related to military pay and allowances should accompany the PAF sent to OHR. This information is required in order for the County to set up the County salary supplement to the employee's military pay and allowances.

During the employee's period of military leave, submit a timesheet on the employee's behalf to Payroll. It is recommended that departments submit this timesheet to Payroll separately from the normal batches so that proper processing will be ensured. During the employee's period of leave, a new code of "MIL" should be used on the timesheet for any periods of leave not covered by administrative military leave, accrued annual leave, accrued compensatory time or personal leave days. Sample PAFs and timesheets will be sent to departments to be used as a guide.

On the employee's return from military leave, promptly send a PAF to OHR to indicate the employee's return to active status.

Information request

OHR would like to develop a data base of employees in the reserves. It is important for the Office to know which employees are in the military reserves and could potentially be called to active duty so they can ensure fast and effective communication on benefits and related matters. So **please**, if you are in the reserves, e-mail OHR your name, Social Security number, department, work phone number and the branch of military under which you serve. The e-mail address is:

Benefits@co.mo.md.us

If you are unable to e-mail this information, you may fax it to 240.777.5128, Attn: Benefits Team, or simply mail it to the Office of Human Resources, Attn: Benefits Team on the 7th floor, EOB. Departments are also asked to provide this information about department employees who have been called-up or are in the reserves.

Further information

For further information on pay, leave and reinstatement rights, please call the Office of Human Resources, Labor/Employee Relations Team at 240.777.5114. For further information on employee benefits, please contact the Office of Human Resources, Benefits Team at 240.777.5000.